

EXHIBIT 01

Massachusetts Laws, Statutes, etc.

THE LAWS AND LIBERTIES OF MASSACHUSETTS

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With an Introduction by

MAX FARRAND

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THE
BOOK OF THE GENERAL
LAUUES AND LIBERTYES

CONCERNING THE INHABITANTS OF THE MASSACHUSETTS
COLLECTED OUT OF THE RECORDS OF THE GENERAL COURT
FOR THE SEVERAL YEARS WHEREIN THEY WERE MADE
AND ESTABLISHED,

And now revised by the same Court and disposed into an Alphabetical order
and published by the same Authority in the General Court
held at Boston the fourteenth of the
first month Anno
1647.

Whoever therefore despise the power, resisteth the ordinance of God,
and they that resist receive to themselves damnation. *Romans 13.2.*



CAMBRIDGE.
Printed according to order of the GENERAL COURT.
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And are to be sold at the Shop of Higgin's Tjck
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TO OUR BELOVED BRETHREN AND NEIGHBOURS

the Inhabitants of the Massachusets, the Governour, Assistants
and Deputies assembled in the Generall Court of that

Jurisdiction with grace and peace in our
Lord Iesus Christ.

SO soon as God had set up Politicall Government among his people Israel hee gave them a body of lawes for judgement both in civil and criminal causes. These were breif and fundamental principles, yet withall so full and comprehensive as out of them clear deductions were to be drawne to all particular cases in future times. For a Common-wealth without lawes is like a Ship without rigging and steeradge. Nor is it sufficient to have principles or fundamentalls, but these are to be drawn out into so many of their deductions as the time and condition of that people may have use of. And it is very unsafe & injurious to the body of the people to put them to learn their duty and libertie from generall rules, nor is it enough to have lawes except they be also just. Therefore among other priviledges which the Lord bestowed upon his peculiar people, these he calls them specially to consider of, that God was neerer to them and their lawes were more righteous then other nations. God was sayd to be amongst them or neer to them because of his Ordinances established by himselfe, and their lawes righteous because himselfe was their Law-giver: yet in the comparison are implied two things, first that other nations had something of Gods presence amongst them. Secondly that there was also somewhat of equitie in their lawes, for it pleased the Father (upon the Covenant of Redemption with his Son) to restore so much of his Image to lost man as whereby all nations are disposed to worship God, and to advance righteousness: which appears in that of the Apostle Rom. 1. 21. They knew God &c: and in the 2. 14. They did by nature the things contained in the law of God. But the nations corrupting his Ordinances (both of Religion, and Justice) God withdrew his presence from them proportionably whereby they were given up to abominable lusts Rom. 2. 21. Whereas if they had walked according to that light & law of nature they might have been preserved from such moral evils and might have enjoyed a common blessing in all their natural and civil Ordinances: now, if it might have been so with the nations who were so much strangers to the Covenant of Grace, what advantage have they who have interest in this Covenant, and may enjoy the special presence of God in the puritie and native simplicitie of all his Ordinances by which he is so neer to his owne people. This hath been no small priviledge, and advantage to us in New-England that our Churches, and civil State have been planted, and growne up (like two twinnes) together like that of Israel in the wilderness by which wee were put in minde (and had opportunitie put into our hands) not only to gather our Churches, and set up the Ordinances of Christ Iesus in them according to the Apostolick patterne by such light as the Lord graciously afforded us: but also withall to frame our civil Politie, and lawes according to the rules of his most holy word whereby each do help and strengthen other (the Churches the civil Authoritie, and the civil Authoritie the Churches) and so both prosper the better without such emulation, and contention for priviledges or priority as have proved the misery (if not ruine) of both in some other places.

For this end about nine years since wee used the help of some of the Elders of our Churches to compose a modell of the Iudiciall lawes of Moses with such other cases as might be referred to them, with intent to make use of them in composing our lawes, but not to have them published as the lawes of this Jurisdiction: nor were they voted in Court. For that book intituled The Liberties &c: published about seven years since (which contains also many lawes and orders both for civil & criminal causes, and is commonly (though without ground) reported to be our Fundamentalls that wee owne as established by Authoritie of this Court, and that after three years experience & generall approbation: and accordingly we have inserted them into this volume under the severall heads to which they belong yet not as fundamentalls, for divers of them have since been repealed, or altered, and more may justly be (at least) amended heerafter as further experience shall discover defects or inconveniences for Nihil simul natum et perfectum.

1

FORASMUCH as the free fruition of such Liberties, Immunities, privileges as humanity, civilitie & christianity call for as due to every man in his place, & proportion, without impeachment & infringement hath ever been, & ever will be the tranquillity & stability of Churches & Common-wealths; & the deniall or deprivation thereof the disturbance, if not ruine of both:

Alulic.

Excluded rate
is condensed
period may dis-
pose of their
affairs

where all a_i, b_i
shall be tried.

Let us find

10

Liberty no-
wadays can
be snatched.

Full age and
Age of discre-
tion.

Forasmuch as experience hath plentifully often proved that since the first arising of the A-baptists about a hundred years past they have been the Intruders of Common-wealths & benefactors of persons in main matters of Religion, & the Travelers of Churches in most plain benefactors of persons in main matters of Religion, & the Travelers of Churches in most plain benefactors of persons in main matters of Religion, & the Travelers of Churches in most plain

A3

the Elect in Orle dochs.

of nations and that to all the *wholofame loves thereof*, and *life is the common good*. If any of you meet with this in his Maxim. Qui fentit commodum fentire debet et con-
muni confider that *loves are made with refpect to your particular benefit*, and *per-
fection*, and *obedience to them must be yielded with refpect to the whole people*, and *not to each parti-
cular advantage*, and as *the good of the whole is the common welfare*, not to the
advantage; so another must *yield obedience to the law for common good*, not to thy dis-
tress; thus must we be content to *affure some other law for thy good*, though it be *thy own damage*.
That distinction which is *between the burden and the benefit* is the *rule of Christ*.
A *law*.

a figure to many as it is my obligation, before the Ladies of God and the ladies of men, becomes when the Authority is of God and that in way of an Ordinance Rom. 13. 1. and where also the clear light of nature in civil nations, and rules gathered from the word of God, and good (according to those principles), surely there is no humane law that tends to commit an Ordinance which all are to submit unto and that for conscience sake. Rom. 13. 5.

By order of the Generall Court.
INCREASE NOWEL.
SECR.

fourth day of the first month and the last fourth day of the eighth month from year to year [1633 1634 1635 1636]

Ferries.

For setting all common ferries in a right course both for the Passengers and Owners, it is ordered by this Court and authority thereof;

That whosoever hath a Ferry granted upon any passage shall have the sole liberty for transporting passengers from the place where such Ferry is granted, to any other ferry-plate where ferry-boats use to land, and any ferry-boat that shall land passengers at any other Ferry may not take passengers from thence if the ferry-boat of the place be ready. Provided this order shall not prejudice the liberty of any that do use to pass in their own or neighbours canoes or boats to their ordinary labour or business. Also Ferriemen are allowed to take double pay at such common Ferries after day light is done, and those that make not present pay, being required, shall give their names in writing or a pawn to the Ferrieman, or else he may complain of such before a Magistrate to get satisfaction. And it is ordered that all the Magistrates and such as are, or from time to time shall be chosen to serve as Deputies of the General Court, with their necessary attendants viz: a man and a horse at all times, during the time of their being Magistrates or Deputies [and not their whole families] shall be passage-free over all Ferries. Provided where Ferries are appropriated to any, or rented out & be out of the Countries hands their passage shall be paid by the Country. And the Ferriemen of *Charlbury* are allowed for the passage of the Magistrates, Deputies, Grand and petty Jurymen, prisoners, Keepers and Marshals, by agreement with them six pounds *per annum* to be paid by the Treasurer.

And whereas men do passe over the common Ferries in great danger oftentimes, and the Ferriemen excuse themselves by the importunity of passengers and want of law to inviable them to keep due order touching passengers, its therefore hereby further ordered:

That no person shall preste or enter into any ferry-boat contrary to the will of the Ferrieman or of the most of the passengers first entered upon pain of ten shillings for every such attempt: and that every Ferrieman that shall permit and allow any person to come into his boat against the will of any of the Magistrates or Deputies or any of the Elders shipped in such boat or the greater part of the passengers in the said boat, shall forfeit for every person so admitted or received against such their will do declared the sum of twenty shillings. And it shall be in the power of any of the Ferriemen to keep out or put out of his boat any person that shall preste, enter into, or stay in any such ferry-boat contrary to this Order. And it is further ordered that all persons that be received into such ferry-boats according to their coming, first or last, only all Publick persons or such as goe upon publick or urgent occasions, as Philitians, Chirurgions and Midwives and such other as are called to womens labours, rates shall be transported with the first. [1641 1644 1645 1647] See *Chilidge*.

Fines.

Whereas divers persons indebted to the Countrey for publick Rates, & others for Fines who for avoiding payment sometime sell their houses and lands, and send away their goods to other Plantations, it is therefore ordered by the authority of this Court,

That the Treasurer shall grant *Warrant* to the Marshall to attach the bodies of such persons, & keep them till they make satisfaction; and all such persons as are to pay any fines if they have not lands or goods to be distrained shall have their bodies attached to make satisfaction. Provided that any Court of Assistants or County Court may discharge any such person from imprisonment if they shall finde them indeed unable to make satisfaction. [1638]

Fyre.

It is ordered by this Court and the Authoritie therof, that whosoever shall kindle any fyres in woods or grounds lying in common or inclosed, so as the same shall run into such common grounds or inclosures; before the tenth of the first month after the last of the second month, or on the last day of the week, or on the Lords day shall pay all damages and

and half so much for a Fine, or if not able to pay then to be corporally punished by *Warrant* from one Magistrate or the next County Court as the offence shall deserve, not exceeding twenty stripes for one offence. Provided that any man may kindle fyre in his own ground at any time, so as no damage come thereby either to the County or any particular person. And whosoever shall wittingly and willingly burn or destroy any frame, timber hewed, fawn or ryven, heaps of wood, charcoal, corn, hay, straw, hemp or flax he shall pay double damages.

Fyfe, Fyber-men.

UPON the petition of the Inhabitants of Marble-head this Court doth hereby declare that whosoever it hath been an allowed custom for forreign fyfemen to make use of such Harbours and Grounds in this Countrey as have not been inhabited by Englysh men, and to take timber and wood at their pleasure for all their occasions, yet in these parts which are now possessed and the lands disposed in propriety unto severall towne and persons and that by his Majesties graunt under the Great Seal of England,

It is not now lawfull for any person either Fyferman or other, either Forreiner or of this Countrey to enter upon the lands so appropriated to any town or County, or to take any wood or timber in any such place without the licence of such town or Proprietor: and if any person shall trespass herein the Town or Proprietor so injured may take their remedie by Action at law, or may preserve their goods or other interest by opposing lawfull force against such unjust violence. Provided that it shall be lawfull for such Fyfermen as shall be employed by any Inhabitants in this Jurisdiction in the severall seasons of the year to make use of any of our Harbours and such lands as are near adjoining, for the drying of their fish or other needfull occasions, as also to have such timber or fire-wood as they shall have necessary use of for their filling felcons where it may be fpared, so as they make due satisfaction for the same to such Town or Proprietor. [1646]

Forgerie.

It is ordered by this Court and Authoritie therof, That if any person shall forge any Deed or conveyance, Testament, Bond, Bill, Release, Acquittance, Letter of Attourney or any writing to pervert equitie and justice, he shall stand in the *Pillory* three severall Lecture dayes and render double damages to the partie wronged and also be disabiled to give any evidence or verdict to any Court or Magistrate. [1646]

Fornication.

It is ordered by this Court and Authoritie therof, That if any man shall commit Fornication with any fingle woman, they shall be punished either by enjoying to Marriage, or Fine, or corporall punishment, or all or any of these as the Judges in the courts of Assistants shall appoint most agreeable to the word of God. And this Order to continue till the Court take further order. [1642]

Freemen, Non-Freemen.

WHEREAS there are within this Jurisdiction many members of Churches who to exempt themselves from all publick service in the Common-wealth will not come in, to be made Freeman, it is therefore ordered by this Court and the Authoritie therof,

That all such members of Churches in the severall towns within this Jurisdiction shall not be exempted from such publick service as they are from time to time chosen to the Freeman of the severall towns; as Constables, Jurors, Select-men and Surveyors of high-ways. And if any such person shall refuse to serve in, or take upon him any such Office being legally chosen therunto, he shall pay for every such refusal such Fine as the town shall impose, not exceeding twenty shillings as Freeman are lyable to in such cases. [1647]

Fugitives, Strangers.

It is ordered by this Court and Authoritie therof, That if any people of other nations professing the true Chistian Religion shall flee to us from the tyrannie or oppression of their persecutors, or from Famine, Wars, or the like necessarie and compulsarie

Harleboard. compulſarie cauſe, they ſhall be entertained and ſuccoured amongst us according to that power and prudence God ſhall give us. [1641]

U PON complaint of great diſorder by the uſe of the game called Shuffle-board, in houſes of common entertainment, whereby much precious time is ſpent unfruitfully and much wyl of wine and beer occaſioned, it is therefore ordered and enacted by the Authoritie of this Court;

That no perſon ſhall henceforth uſe the ſaid game of Shuffle-board in any ſuch houſe, nor in any other houſe uſed as common for ſuch purpoſe, upon pain for every Keeper of ſuch houſe to forfeit for every ſuch offence twenty ſhillings: and for every perſon playing at the ſaid game in any ſuch houſe, to forfeit for every ſuch offence five ſhillings: Nor ſhall any perſon at any time play or game for any monie, or money-worth upon penalty of forfeiting treble the value thereof: one half to the partie informing, the other half to the Treſurie. And any Magiſtrate may hear and determine any offence againſt this Law. [1646 1647]

General Court.

It is ordered, and by this Court declared that the Governour and Deputie Governour joyntly conſenting, or any three Aſſiſtants concurring in conſent ſhall have power out of Court to reſcive a condemned malefactor till the next Court of Aſſiſtants: or General Court. And that the General Court only ſhall have power to pardon a condemned malefactor.

Alſo it is declared that the General Court hath libertie and Authoritie to ſend forth any member of this Common-wealth, of what qualitie and condition or office whatſoever into foreign parts, about any publick Meſſage or negotiation: notwithstanding any office or relation whatſoever. Provided the partie ſo ſent be acquainted with the affairs he goeth about, and be willing to undertake the ſervice.

Nor ſhall any General Court be diſſolved or adjourned without the conſent of the major part thereof. [1641] See *Counſell, Courts.*

Governour.

It is ordered, and by this Court declared that the Governour ſhall have a caſting vote whenſoever an equivoque ſhall fall out in the Court of Aſſiſtants, or general Aſſembly: ſo ſhall the Preſident or Moderator have in all civil Courts or Aſſemblies [1641] See *Gen. Court.*

Herif.

ALTHOUGH no humane power be Lord over the Faith & Conſciences of men, and therefore may not conſtrain them to believe or profeſſe againſt their Conſciences: yet becauſe ſuch as bring in damnable herieſes, tending to the ſubverſion of the Chriſtian Faith, and deſtruction of the ſoules of men, ought duly to be reſtrained from ſuch notorious impiety, it is therefore ordered and decreed by this Court;

That if any Chriſtian within this Jurisdiction ſhall go about to ſubvert and deſtroy the Chriſtian Faith and Religion, by broaching or maintaining any damnable herieſe; as denying the immortalitye of the Soule, or the reſurrection of the body, or any ſin to be repented of in the Regenerate, or any evil done by the outward man to be accounted ſin: or denying that Chriſt gave himſelf a Ranſom for our ſins, or ſhall affirm that wee are not juſtified by his Death and Righteouſnes, but by the perfection of our own works; or ſhall deny the morallitie of the fourth commandment, or ſhall endeavour to ſeducer others to the any herieſes aforementioned, everie ſuch perſon continuing obſtinate therein after due means of conviction ſhall be ſentenced to Banishment. [1646]

Hydes & Skins.

W HERAS ſome perſons have ſeeking their own private advantage then the good of the publick doe tranſport raw hydes & pelt, it is ordered and by this Court enacted, That henceforth no perſon ſhall deliver aboard any ſhip or other veſſell, directly or indirectly any raw hyde, ſkin, pelt or leather unwrought with intent to have the ſame

ſame tranſported out of this Jurisdiction upon pain to forfeit the ſame or the value thereof. And that no Maſter of any ſhip or veſſell ſhall receive any raw hyde, ſkin, pelt, or leather unwrought directly or indirectly, aboard his ſhip or veſſell to be fo tranſported upon the like penalty. Provided that any perſon ſtranger or other may tranſport any hydes or ſkins brought hither from beyond the ſeas by way of Merchandize, or the ſkins of Beaver, Moof, Bear and Otter. [1646]

High-ways.

To the end there may be convenient high-ways for Travellers, it is ordered by the Authoritie of this Court;

That all common high-ways ſhall be ſuch as may be moſt eaſe, and ſafe for travellers: to which purpoſe everie town (where any ſuch high-way is made, or to be made) ſhall appoint two or three men of the next town, who ſhall from time to time lay out all common high-ways where they may be moſt convenient; notwithstanding out all common high-ways where the pulling down of any mans houſe, or laying open any garden or orchard: who in common grounds or where the ſoyle is wet, myric, or verie rockie ſhall lay out ſuch high-ways the wyder, ſize: fix, eight, ten or more rods.

Provided that if any man be thereby damaged in his improved ground the town ſhall make him reaſonable ſatisfaction by eſtimation of thoſe of the two towns that layd out the ſame. And if ſuch perſons deputed cannot agree in either coſe it ſhall be referred to the County Court of that Shire: or to the Court of Aſſiſtants who ſhall have power to hear and determine the Caſe. And if any perſon finde himſelf juſtly griev- ed with any act or thing done by the perſons deputed aforeſaid: he may appeal to the County Court aforeſaid, or to the Court of Aſſiſtants, but if he be found to complain without cauſe he ſhall ſurely pay all charges of the parties and Court during that Action and alſo be fined to the Countie as the Court ſhall adjuidge. [1639]

It is ordered and declared by this Court that the ſelected Townſmen of everie town have power to lay out (by themſelves or others) particular and private wayes concerning their own town only: ſo as no damage be done to any man without due recompence to be given by the judgement of the ſaid Townſmen, and one or two choſen by the ſaid Townſmen and one or two choſen by the next County Court of that ſhall finde himſelf juſtly griev- ed he may appeal to the County Court of that Shire who ſhall doe juſtice therein on both hands as in other caſes of appeals. [1642]

UPON information that divers high-ways are much annoyed and incumbered by gates and rayls erected upon them, it is ordered and enacted by the Authoritie of this Court.

That upon any information or complaint made either to the court of Aſſiſtants, or any County Court or to any Magiſtrate of any ſuch gates or rayls erected, or to be erected upon any common high-way, the ſame Court or Magiſtrate ſhall appoint a Committee of diſcreet and indifferent men to view ſuch incumbrance, and to order the reformation thereof. And if the parties whom it ſhall concern ſhall not ſubmit to reformation thereof. And if the parties whom it ſhall concern for that Shire: and ſuch orders, they ſhall require them to appear at the next Court for that Shire: and alſo ſhall certifie the incumbrance found and order by them made, under their hands unto the ſaid Court, or appear in perſon to proſecute the cauſe; where it ſhall be heard and determined for the eaſe and conveniencie of Travellers, with due reſpect to the Proprietors coſt and damage, but no perſon ſhall ſtand charged with the reſpair of common high-ways through his own ground. [1647]

Idlennes.

It is ordered by this Court and Authoritie thereof, that no perſon, Houſholder or other ſhall ſpend his time idly or unprofitably under pain of ſuch puniſhment as the Court of Aſſiſtants or County Court ſhall think meet to inflict. And for this

Impreses. Imprisonment. Indians.

Impreses.

It is ordered, and by this Court declared, that no man shall be compelled to any publick work, or service, unless the Presse be grounded upon some act of the General Court; and have reasonable allowance therefore: nor shall any man be compelled in person to any office, work, wars, or other publick service that is necessarily and sufficiently exempted, by any natural or personal impediment: as by want of years, greatness of age, defect of mind, falling of senses, or impotency of limbs. Nor shall any man be compelled to go out of this Jurisdiction upon any offensive wars, which this Common-wealth, or any of our friends or confederates shall voluntarily undertake; but only up such vindictive and defensive wars, in our own behalf, or the behalf of our friends and confederates; as shall be entered by the council, and consent of a General Court, or by Authority derived from the same. Nor shall any man's cattle or goods of what kinde forever be pressed, or taken for any publick use or service; unless it be by *Warrant* grounded upon some act of the General Court: nor without such reasonable prizes and hire as the ordinary rates of the Countie doe afford. And if his cattle or goods shall perish, or suffer damage in such service, the Owner shall be sufficiently recompensed. [1641]

Imprisonment.

It is ordered, and by this Court declared, that no mans person shall be restrained or imprisoned by any authority whatsoever before the Law hath sentenced him thereto: if he can put in sufficient security, *Bayle or Mainprize* for his appearance, and good behaviour in the mean time: unless it be in crimes Capital, and contempt in open Court, and in such cases where some express Act of Court doth allow it. [1641]

Indians.

It is ordered by Authority of this Court; that no person whatsoever shall henceforth buy land of any Indian, without licence first had & obtained of the General Court: and if any shall offend herein, such land so bought shall be forfeited to the Countie.

Nor shall any man within this Jurisdiction directly or indirectly amend, repair, or cause to be amended or repaired any gun, small or great, belonging to any Indian, nor shall endeavour the same. Nor shall sell or give to any Indian, directly or indirectly any such gun, or any gun-powder, shot or lead, or shot-mould, or any military weapons or armours, upon pain of ten pounds fine, at the least for every such offence: and that the Court of Assistants shall have power to increase the Fine; or to impose corporal punishment (where a Fine cannot be had) at their discretion.

It is also ordered by the Authority aforesaid that every town shall have power to restrain all Indians from profaning the Lords day. [1633 1637 1641]

2 *Whereas it appeareth in this Court that notwithstanding the former Lawes, made against selling of guns, powder and Ammunition to the Indians, they are yet supplied by indirect means, it is therefore ordered by this Court and Authority thereof;*

That if any person after publication hereof, shall sell, give or barter any gun or guns, powder, bullets, shot or lead to any Indian whatsoever, or unto any person inhabiting out of this Jurisdiction without licence of this Court, or the Court of Assisted ten pounds; and for every pound of powder five pounds; and for every pound of bullets, shot or lead fourty shillings: and so proportionally for any greater or lesser quantitie. [1642]

3 It is ordered by this Court and Authority thereof, that in all places, the English and such others as co-inhabit within our Jurisdiction shall keep their cattle from destroying the Indians corn. In any ground where they have right to plant: and if any of their corn be destroyed for want of fencing, or hearing: the town shall make satisfaction of the damage did arise. Provided that the Indians shall make proof that the cattle of such a town, farm, or person did the damage. And for encouragement of

Indians. Indictments. In-keepers.

of the Indians toward the fencing in of their corn fields, such towns, farms or persons, whose cattle may annoy them that way, shall direct, affix and help them in felling of trees, riving, and sharpening of rays, & holding of posts: allowing one English-man, to three or more Indians. And shall also draw the fencing into place for them, and allow one man a day or two toward the setting up the same, and either lend or sell them tools to finish it. Provided that such Indians, to whom the Countie, or any town hath given, or shall give ground to plant upon, or that shall purchase ground of the English shall fence such their corn fields or ground at their own charge as the English doe or should doe; and if any Indians refuse to fence their corn ground (being tendered help as aforesaid) in the presence and hearing of any Magistrate or selected Townsmen being met together they shall keep off all cattle or lose one half of their damages.

And it is also ordered that if any harm be done at any time by the Indians unto the English in their cattle; the Governour or Depute Governour with two of the Assistants or any three Magistrates or any County Court may order satisfaction according to law and justice. [1640 1648]

4 *Considering that one end in planting these parts was to propagate the true Religion unto the Indians: and that divers of them are become subjects to the English and have engaged themselves to be willing and ready to understand the Lawe of God, it is therefore ordered and decreed,*

That such necessary and wholesome Laws, which are in force, and may be made from time to time, to reduce them to civillite of life shall be once in the year (if the times be safe) made known to them, by such fit persons as the General Court shall nominate, having the help of some able Interpreter with them.

Considering also that interpretation of tongues is appointed of God for propagating the Truth: and may therefore have a blessed success in the hearts of others in due season, it is therefore further ordered and decreed,

That two Ministers shall be chosen by the Elders of the Churches everie year at the Court of Election, and so be sent with the consent of their Churches (with whom the Court of Election, and so be sent with the consent of their Churches) to make known forever will freely offer themselves to accompany them in that service: to make known the heavenly counsell of God among the Indians in most familiar manner, by the help of some able Interpreter: as may be most available to bring them unto the knowledge of the truth, and their conversation to the Rules of Jesus Christ. And for that ledge of the truth, and their conversation to the Rules of Jesus Christ. And for that end that something be allowed them by the General Court, to give away freely unto those Indians whom they shall perceive most willing & ready to be instructed by them.

And it is further ordered and decreed by this Court; that no Indian shall at any time *powow*, or performe outward worship to their false gods: or to the devil in any part of our Jurisdiction; whether they be such as shall dwell heer, or shall come hither: and if any shall transgreffe this Law, the *Powow*er shall pay five pounds; the Procureur five pounds; and every other countenancing by his presence or otherwise being of age of discretion twenty shillings. [1646]

Indictments.

If any person shall be indicted of any capital crime (who is not then in *distance*) & shall refuse to render his person to some Magistrate within one month after three Proclamations publickly made in the town where he usually abides, there being a Proclamation betwixt Proclamation and Proclamation, his lands and goods shall be seized to the use of the common Treasurie, till he make his lawfull appearance. And such withdrawing of himselfe shall stand in stead of one witness to prove his crime, unless he can make it appear to the Court that he was necessarily hindered. [1646]

In-keepers, Tippling, Drunkenes.

FORASMUCH as there is a necessary use of houses of common entertainment in every Common-wealth, and of such as retail *beere, beer and vittuals*: yet because there are so many abuses of that lawfull libertie, both by persons entertaining and persons entertained, there is also need of strict Lawes and Rules to regulate such an employment: It is therefore ordered by this Court and Authority thereof;

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Ship at Fawcett

Indians buying cattle

Means for their instruction in a Religion

Approach their false worship

| 30 | <i>In-keepers, Tippling, Drunkenness.</i> |
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| No common Victualler, Cook, Fryer, &c. without licence. | That no person or persons shall at any time under any pretence or colour whatsoever undertake to be a common Victualler, Keeper of a Cooks shop, or house for common entertainment, Taverner, or publick feller of wine, ale, beer or strong-water (by re-tale), nor shall any sell wine privately in his house or out of doors by a leffe quantitie, or under a quarter cask: without approbation of the selected Townsmen and Licence of the Shire Court where they dwell: upon pain of forfeiture of five pounds for everie such offence, or imprisonment at pleasure of the Court, where satisfaction cannot be had. |
| On pen: 5s. | |
| Signe | And everie person so licensed for common entertainment shall have some inoffensive Signe obvious for strangers direction, and such have no such Signe after three months so licensed from time to time shall lose their licence: and others allowed in their stead. And any licensed person that selleth beer shall not sell any above two pence the ale-quart: upon penaltie of three fillings four pence for everie such offence. And it is permitted to any that will to sell beer out of doors at a pennie the ale-quart and under. |
| No beer above two pence the quart. Any may sell out of doors at 1d a quart. | |
| In-holders houses | Neither shall any such licensed person aforesaid suffer any to be drunken, or drink excessively viz: above half a pint of wine for one person at one time; or to continue tippling above the space of half an hour, or at unreasonable times, or after nine of the clock at night in, or about any of their houses on penaltie of five fillings for everie such offence. |
| Penalty of offence to be ext: 1s. 6d. & 10p. unless forfeit. | And everie person found drunken viz: so that he be thereby bereaved or disabled in the use of his understanding, appearing in his speech or gesture in any the said houses or elsewhere shall forfeit ten fillings. And for excessive drinking three fillings four pence. And for continuing above half an hour tippling two fillings six pence. And for tippling at unreasonable times, or after nine a clock at night five fillings: for everie offence in these particulars being lawfully convicted therof. And for want of payment such shall be imprisoned until they pay: or be set in the Stocks one hour or more (in some open place) as the weather will permit not exceeding three hours at one time. |
| Stocks. | |
| Provido, | Provided notwithstanding such licensed persons may entertain sea-faring men, or land travellers in the night-season, when they come first on shore, or from their journey for their necessarie refreshment, or when they prepare for their voyage or journey the next day early; so there be no disorder among them; and also Strangers, Lodgers or other persons in an orderly way may continue in such houses of common entertainment during meal times, or upon lawfull business what time their occasions shall require. |
| The laws for other estates | Nor shall any Merchant, Cooper, Owner or Keeper of wines or other persons that have the government of them suffer any person to drink to excess, or drunkenness, in any their wine-cellars, Ships, or other vessels or places where wines do lye; on pain to forfeit for each person so doing ten fillings. |
| Beard offence Double penalty Third offence Whipping. | And if any person offend in drunkenness, excessive or long drinking the second time they shall pay double Fines. And if they fall into the same offence the third time they shall pay treble Fines. And if the parties be not able to pay the Fines then he that is found drunk shall be punished by whipping to the number of ten stripes: and he that offends in excessive or long drinking shall be put into the stocks for three hours when the weather may not be hazzard his life or limbs. And if they offend the fourth time they shall be imprisoned until they put in two sufficient Sureties for their good behaviour. |
| Rocks. | |
| Fourth offence | |
| Victualler directly & third time disabled | And it is farther ordered that if any person that keepeth, or hereafter shall keep a common house of entertainment, shall be lawfully convicted the third time for any offence against this Law: he shall (for the space of three years next ensuing the said conviction) be disabled to keep any such house of entertainment, or sell wine, beer or the like; unless the Court aforesaid shall see cause to continue them. |
| | It is farther ordered that everie In-keeper, or Victualler shall provide for the entertainment |

| <i>In-keepers, Tippling, Drunkenness. Juries, Jurors.</i> | 31 |
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| of strangers horses viz: one or more inclosures for Summer and hay and provender for Winter with convenient stable room and attendance under penaltie of two fillings six pence for everie dayes default, and double damage to the partie thereby wronged (except it be by inevitable accident. | Provided for horses. |
| And it is farther ordered by the Authoritie aforesaid, that no Taverner or feller of wine by retale, licensed as aforesaid shall take above nine pounds profit by the Butt or Pipe of wine, (and proportionally for all other vessels) toward his waft in drawing and stilling: out of which allowance everie such Taverner or Vintner shall pay fifty fillings by the Butt or Pipe and proportionally for all other vessels to the Countree. For which he shall account with the Auditor general or his Deputie everie six months and discharge the same. All which they may do by selling six pence a quart in retale (which they shall no time exceed) more then it cost by the Butt, beside the benefit of their art and mysterie which they know how to make use of. And everie Taverner or Vintner shall give a true account and notice unto the Auditor or his Deputie of everie vessel of wine he buies from time to time within three dayes; upon pain of forfeiting the fame or the value therof. | Vintner. |
| And all such as retale strong waters shall pay in like manner two pence upon everie quart to the use of the Countree, who also shall give notice to the Auditor or his Deputie of everie cask and bottle or other quantitie they buy within three dayes upon pain of forfeiture as before. | Pay to 5s. 1d. by the Butt to the Countree. |
| Also it is ordered that in all places where week day Lectures are kept, all Taverners, Victuallers and Tablers that are within a mile of the Meeting-house, shall from time to time clear their houses of all persons able to go to the Meeting, during the time of the exercise (except upon extraordinary cause, for the necessarie refreshing of strangers unexpectedly repairing to them) upon pain of five fillings for everie such offence over and besides the penalties incurred by this Law for any other disorder. | Live account. |
| It is also ordered that all offences against this Law may be heard and determined by any one Magistrate, who shall hearby have power by Warrant to send for parties, and witnesses, and to examine the said witnesses upon oath and the parties without oath, concerning any of these offences: and upon due conviction either by view of the said Magistrate, or affirmation of the Constable, and one sufficient witness with circumstantiall evidences concurring, or two witnesses, or confession of the partie to leveie the said summall fines, by Warrant to the Constable for that end, who shall be accountable to the Auditor for the same. | Two pence a quart for each of strong water. |
| And if any person shall voluntarily confesse his offence against this Law in any the particulars therof, his oath shall be taken in evidence and stand good against any other offending at the same time. | One Magistrate may hear the. |
| Lastly, it is ordered by the Authoritie aforesaid that all Constables may, and shall from time to time duly make search throughout the limits of their towns upon Lords dayes, and Lecture dayes, in times of Exercise; and also at all other times, so oft as they shall see cause for all offences and offenders against this Law in any the particulars, or therof. And if upon due information, or complaint of any of their Inhabitants, or other credible persons whether Taverner, Victualler, Tabler or other; they shall re-fer or neglect to make search as aforesaid, or shall not to their power perform all such things belonging to their place and Office of Constableship: then upon complaint and due proof before any one Magistrate within three months after such refusal or neglect; they shall be fined for everie such offence before whom they are convicted, or Warrant from the Treasurer upon notice from such Magistrate. [1645 1646 1647] See Gaming, Licences. | Const: houses cleared in Lecture time. |
| | Unlawfulness returning. |
| | Const: search. |
| | Constables neglect. |
| | Juries, Jurors. |
| It is ordered by this Court and Authoritie therof, that the Constable of everie town upon Process from the Recorder of each Court, shall give timely notice to the Freemen of their town, to chos for as many able discreet men as the Process shall direct which | |

which men so chosen he shall warn to attend the Court where they are appointed, and shall make return of the *Proces* unto the Recorder aforesaid: which men so chosen shall be *impanelled* and sworn truly to try between partie and partie, who shall find the matter of fact with the damages and costs according to their evidence, and And if there be any matter of apparent equity as upon the forfeiture of an Obligation, breach of covenant without damage or the like, the Bench shall determine such matter of equity.

2 Nor shall any tryall pass upon any life or banishment but by a special Jury summoned for that purpose, or by the General Court.

3 It is also ordered by the Authoritie aforesaid that there shall be Grand-Juries summoned everie year unto the several Courts, in each Jurisdiction; to inform the Court persons whatsoever that they shall know or hear to be committed by any person or Common-wealth within this Jurisdiction. And to doe any other service of the Court; and in all cases where evidence is so obscure or defective that the Jury cannot clearly libertie to give a positive verdict, whether it be Grand, or Petty Jury, it shall have the judgement of the Cause shall be left unto the Bench. And all Jurors shall have their verdict so much as they can.

4 And if the Bench and Jurors shall so differ at any time about their verdict that either of them cannot proceed with peace of conscience, the Cause shall be referred to the General Court who shall take the question from both and determine it.

5 And it is further ordered that whenever any Jury of tryalls, or Jurors are not clear in their judgement or consciences, concerning any Cause wherein they are to give their verdict, they shall have libertie in open Court to advise with any man they shall think fit to resolve or direct them, before they give in their verdict. And no Freeman shall be compelled to serve upon Juries above one ordinary Court in a year; except Grand-jury men, who shall hold two Courts together at the least, and such others as shall be summoned to serve in case of life and death or banishment. [1642] [1641 1642] See *Seegræ*.

IT is ordered, and by this Court declared; that every person within this Jurisdiction, whether Inhabitant or other shall enjoy the same justice and law that is general for this Jurisdiction which we constitute and execute one towards another, in all cases proper to our cognizance without partialitie or delay. [1641]

IT is ordered, and by this Court declared; that all our Lands and Heritages shall be free from all *Fines* and *Licences* upon alienations, and from all *Harlots*, *Wardships*, *Livories*, *Primefruits*, year, day and waite, *Echeats* and forfeitures, upon the death of Parents or Ancestors, be they natural, unnatural, casual or judicial and that for ever. [1641] See *Abillie*, *Echeats*, *Strangers*.

THIS Court taking into serious consideration the several deceits and abuses which in other places have been and are commonly practised by the Tanners, Curriers and berr of leather, as also the abuses and inconveniences which arise to the severall members of this Common-wealth, by leather not sufficiently tanned and wrought, which is offered by the negligence and unskillfulness of those several tradesmen which before, in offering it is in the hands of the Tanner may be much bettered or improved, for prevention whereof, it is ordered by this Court and the Authoritie thereof;

That no person using or occupying the feat or myserie of a Butcher, Currier, or shoe-maker

Shoe-maker by himselfe or any other, shall use or exercise the feat or myserie of a Tanner on pain of forfeiture of six shillings eight pence for everie hyde or skin by him or them so tanned whilst he or they shall use or occupy any of the mysteries aforesaid.

Nor shall any Tanner during his using the said trade of tanning, use or occupy the feat or myserie of either Butcher, Currier or Shoe-maker by himselfe or any other upon pain of the like forfeiture.

Nor shall any Butcher by himselfe or any other person gash or cut any hyde of ox, bull, steer, or cow in fleaving thereof, or otherwise whereby the same shall be impaired or hurt, on pain of forfeiture for everie such gash or cut in any hyde of skin twelve pence.

Nor shall any person or persons henceforth largain, buy, make any contract, or bespeak any rough hyde of ox, bull, steer or cow in the hair, but only such persons as have and doe use and exercise the art of tanning.

Nor shall any person or persons using, or which shall use the myserie or facultie of tanning at any time or times hereafter, offer or put to sale any kinde of leather, which shall be insufficiently or not thoroughly tanned, or which shall not then have been after the tanning thereof well and thoroughly dried, upon pain of forfeiting for each of his or their said leather as by any Searcher or Sealer of leather lawfully appointed shall be found insufficiently tanned, or not thoroughly dried as aforesaid.

Nor shall any person or persons using or occupying the myserie of tanning, set any their Fats in tan-hills or other places, where the wooses or leather put to tan in the same shall or may take any unkinde heats; nor shall put any leather into any hot or warm wooses whatsoever on pain of twenty pounds for everie such offence.

Nor shall any person or persons using or occupying the myserie or facultie of currying, currie any kinde of leather, except it be well and thoroughly tanned; nor shall currie any hyde being not thoroughly dried after his wet season; in which wet season he shall not use any stale, urin, or any other deceitfull or subtil mixture, thing, way or means to corrupt or hurt the same: nor shall currie any leather meet for utter sole leather with any other then good hard tallow, nor with any less of that then the leather will receive: nor shall currie any kinde of leather meet for upper leather and inner soles, but with good and sufficient stufie, being fresh and not salt, and thoroughly liquored till it will receive no more; nor shall burn or scald any hyde or leather in the currying, but shall work the same sufficiently in all points and respects on pain of forfeiture for everie such offence or act done contrary to the true meaning of this Order the full value of everie such hyde matted by his evil workmanship or handling, which shall be judged by two, or more sufficient and honest skillfull persons, Curriers or others, on their oath given to them for that end by any Assistant.

And everie town where need is, or shall be, shall choose one or two persons of the most honest and skillfull within their severall Townships, and present them unto the County Court, or one Magistrate who shall appoint and swear the said persons, by their discretion to make search and view within the Precincts of their limits as oft as they shall think good and need shall be, who shall have a Mark or Seal prepared by each town for that purpose, and the said Searchers or one of them shall keep the same, and therewith shall seal such leather as they shall finde sufficient in all points and no other.

And if the said Searchers, or any of them shall finde any leather sold, or offered to be sold, brought, or offered to be searched or sealed, which shall be tanned, wrought, converted or used contrary to the true intent and meaning of this Order, it shall be lawful for the said Searchers, or any of them to seize all such leather, and to retain the same in their custodie, untill such time as it be tried by such Tryers, and

Butcher Currier Shoemaker

Tanner no Butcher, Currier Shoemaker

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Rough hyde

well tanned & dried. Partialitie.

Leather taking unkinde heats. Partialitie is li

Curriers duty

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